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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,717	02/05/2004	Michael J. Toutonghi	000013.P002	8295
52418 7590 11/23/2007 HAHN AND MOODLEY, LLP P.O. BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER CHEN, SHIN HON	
			ART UNIT 2131	PAPER NUMBER
			MAIL DATE 11/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/773,717

Applicant(s)

TOUTONGHI, MICHAEL J.

Examiner

Shin-Hon Chen

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-9,13,15 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-9,13,15 and 18-22 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claims 1, 4-9, 13, 15, 18-22 have been examined.

Claim Objections

2. Claim 7 and 8 are objected to because of the following informalities: both claims depend on a cancelled claim 3. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4-6, 9, 13, 15 and 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Fernando et al. U.S. Pub. No. 20020196237 (hereinafter Fernando).

5. As per claim 1, Fernando discloses a method performed by a client comprising: storing a secret in a secure storage (Fernando: [0030]: the security circuit initializes the security functions to display the secure icon); receiving a password challenge from a server (Fernando: [0039]: the PIN entry device allows communication from servers); and responsive to the password challenge calling a secure password prompt routine which accesses the secret in the secure storage (Fernando: [0030]: when the transaction is initiated, the secure function is initiated to access the secure icon), generates an authentication graphic based on the secret (Fernando: [0030]: display

of the secure icon), and displays a prompt asking a user for a password, the prompt including the authentication graphic which is visible to the user (Fernando: [0028]: the secure icon ensures the user that the device is indeed for data entry); wherein the secure password prompt routine displays the authentication graphic for all password challenges (Fernando: [0030]: the secure circuit is initiated when sensitive data is to be inputted), there being no requirement of an association between the server and the authentication graphic (Fernando: [0028]: the predetermined icon is used to ensure security of the data entry device).

6. As per claim 4, Fernando discloses the method of claim 1. Fernando further discloses making the authentication graphic known to the user so that the user can identify the authentication graphic on the prompt prior to the user inputting a password in response to the prompt (Fernando: [0028]: the predetermined security icon allows user to visibly confirm the security of PIN entry device).

7. As per claim 5, Fernando discloses the method of claim 4. Fernando further discloses making the authentication graphic known comprises physically attaching the authentication graphic to the client (Fernando: [0028]: predetermined security icon).

8. As per claim 6, Fernando discloses the method of claim 1. Fernando further discloses receiving the password from the user; generating a digest using the received password and password challenge; and sending the digest to the server (Fernando: [0032]: the input data is encrypted before being transmitted).

9. As per claim 21, Fernando discloses the method of claim 1. Fernando further discloses wherein making the authentication graphic known comprises including the authentication graphic in a user manual for the client (Fernando: [0028]: predetermined security icon).

10. As per claim 22, Fernando discloses the method of claim 1. Fernando further discloses wherein the authentication is unique to the client (Fernando: [0036]: separate visible indicator for different protected data, e.g. one icon for password entry and different icon for signature, etc.)

11. As per claim 9, 13, 15, 18-20, claims 9, 13, 15 and 18-20 encompass the same scope as claims 1 and 4-6. Therefore, claims 9, 13, 15 and 18-20 are rejected based on the same reason set forth above in rejecting claim 1 and 4-6.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernando in view of Gilchrist U.S. Pat. No. 6950949 (hereinafter Gilchrist).

14. As per claim 7, Fernando discloses the method of claim 4. Fernando does not explicitly disclose wherein the secret becomes stored in the secure storage when first entered by the user. However, Gilchrist discloses user selects the authentication graphic and the client device stores the authentication graphic upon selection (Gilchrist: column 7 lines 11-15). It would have been obvious to one having ordinary skill in the art to allow user to select authentication graphic to verify whether the security of the password entry device because they are analogous art. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Gilchrist within the system of Fernando because it gives users a choice of selecting a preferred image for authentication.

15. As per claim 8, Fernando discloses the method of claim 4. Fernando does not explicitly disclose wherein the secret becomes stored in the secure storage when generated based upon information entered by the user. However, Gilchrist discloses user selects the authentication graphic and the client device stores the authentication graphic upon selection (Gilchrist: column 7 lines 11-15). It would have been obvious to one having ordinary skill in the art to allow user to select authentication graphic to verify whether the security of the password entry device because they are analogous art. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Gilchrist within the system of Fernando because it gives users a choice of selecting a preferred image for authentication.

Response to Arguments

16. Applicant's arguments with respect to claims 1, 4-9, 13, 15 and 18-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shin-Hon Chen
Examiner
Art Unit 2131

SC


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